

REMARKS

Claims 1-6 are pending in the present application. Claims 1 and 2 are amended. Claims 1 and 2 are independent claims. By this Amendment, claims 1 and 2 are amended and new claims 12 and 13 are added. No new matter is added.

Rejection Under 35 U.S.C. 102

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,029,563 to Nakagawa et al. ("Nakagawa"). This rejection is respectfully traversed.

In rejecting the pending claims it is alleged that Nakagawa discloses each and every feature recited in the claims including, a central control section (alleged to be the control unit 11) for controlling the stirring control section (alleged to be the motor driving circuit 113) and the temperature control section (alleged to be the heating driving circuit 114) in accordance with a breadmaking sequence using rice flour" at column 1, lines 9-11.

However, the cited section of Nakagawa recites "[V]arious cooking machines such as automatic bread making machines and rice cake making machines have been proposed for automatic production of bread and rice cake." Thus, there is no disclosure or suggestion that the central control section controls a breadmaking sequence using rice flour. In fact, there is no disclosure whatsoever in Nakagawa of any use of rice flour. Rather, Nakagawa relates to a cooking machine which is capable of performing a bread making process and a variety of steam cooking processes (column 1, lines 36-38). For example, Nakagawa discloses a management means that may perform a bread making process including a kneading process,

shaping/fermenting process and a baking process. In the breadmaking process only wheat flour is disclosed (col. 8, lines 8-17). It is also disclosed that management means may perform a rice cake making process including steaming rice and kneading or pounding the steamed rice (col. 1, lines 161-65). Thus, contrary to the allegation in the Office Action, Nakagawa fails to disclose or suggest a central control section for controlling the stirring control section and the temperature control section in accordance with a breadmaking sequence using rice flour as in the pending claims.

It is further alleged that Nakagawa discloses "wherein the central control section is configured to control the stirring control section and the temperature control section to mix breadmaking ingredients containing rice flour by stirring the breadmaking ingredients for a shorter time than at kneading the breadmaking ingredients performed after mixing the breadmaking ingredients to promote the rice flour to hydrate without raising the viscosity of the breadmaking ingredients." However, the Office Action fails to identify any support for the rejection in the applied art.

Applicants respectfully remind the Examiner that when rejecting claims for want of novelty, the Examiner must cite the best references at his or her command and the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified (37 CFR §1.104, MPEP 706.02(j)). In rejecting independent claims 1 and 2, there is no designation of any structure or process corresponding to the claim elements. As such, *prima facie* anticipation has not been established and the requirements of rejecting the claims under 35 USC §102 have not been met.

In addition to the above, Nakagawa also fails to disclose or suggest a breadmaking sequence including mixing breadmaking ingredients containing rice flour, kneading the breadmaking ingredients, fermenting the formed dough, and baking the fermented dough, as recited in amended independent claim 1, or that when using breadmaking ingredients containing rice flour, the breadmaking ingredients containing rice flour is mixed before kneading the breadmaking ingredients, as in amended independent claim 2.

Nakagawa discloses that in the breadmaking operation, a kneading process, a primary fermentation process, a degassing process, a dough resting process, a dough rounding process and a warming process are sequentially performed in this order (col. 8, lines 8-17). This sequential order is necessary because Nakagawa uses wheat flour in the breadmaking process.

Regarding claims 3 and 4, there is no support in the Office Action provided for rejecting the claims. Therefore, *prima facie* anticipation has not been established and the requirements of rejecting the claims under 35 USC §102 have not been met.

Moreover, as discussed above, Nakagawa discloses sequentially performing a kneading process and then a primary fermentation (primary rise) process. Thus, Nakagawa fails to disclose or suggest a central control section configured to control the stirring control section and the temperature control section, thereby causing a primary rise of the breadmaking ingredients in the container before forming the dough by kneading, as recited in claim 3.

Because Nakagawa fails to disclose or suggest all of the features of the pending claims as previously recited or as currently amended, withdrawal of the rejection is requested. Moreover, because *prima facie* anticipation has not been established for

several of the features of the pending claims, the next Office Action cannot be made final.

New Claims

Nakagawa also fails to disclose or suggest that the central control section is configured to control the breadmaking sequence such that the mixed breadmaking ingredients are baked after kneading without being subjected to a degassing process, as recited in new claims 12 and 13.

CONCLUSION

In view of the above remarks and amendments, the Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/JWF:eaf